

NOV 09 2010

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

NOURISON INDUSTRIES, INC.,

Plaintiff,

v.

HORIZON HOME IMPORTS, INC.,
D/B/A HORIZON RUGS;
ABUL HASAN & SONS GROUP;
SHAHE ALAM KHAN; AND
ZAID ALAM,

Defendants.

Civil Action No. 3:10-cv-103 (FDW)
(DCK)

ECF Case

STIPULATION AND FINAL CONSENT JUDGMENT

Plaintiff Nourison Industries, Inc. ("Nourison") by and through its attorneys, Jacob S. Wharton of Womble, Carlyle, Sandridge & Rice, PLLC and Yuval H. Marcus of Leason Ellis LLP (Of Counsel), and Defendants Horizon Home Imports, Inc d/b/a Horizon Rugs ("Horizon"), Shahe Alam Khan and Zaid Alam by and through their attorney, Sanjay Gohil of the Law Offices of Sanjay R. Gohil, PLLC have submitted to the Court the following stipulation of facts which are hereby approved and adopted by the Court as the Final Judgment in this matter:

1. On or about March 8, 2010, Nourison filed a Complaint against Horizon, Mr. Khan, and Mr. Alam, and Abul Hasan & Sons Group in the United States District Court for the Western District of North Carolina, styled *Nourison Industries, Inc. v. Horizon Home Imports, Inc. d/b/a Horizon Rugs, et al.*, Civil Action No. 3:10-cv-103, alleging claims of Federal Copyright Infringement and Trademark Infringement under the Lanham Act (the "Action") related to Defendant's infringement of Plaintiff's copyrighted designs as shown in Exhibit A (the "Designs") and trademark NOURISON DIMENSIONS (the "Mark").

2. On or about September 7, 2010, Defendants Horizon, Mr. Khan, and Mr. Alam answered the Complaint. Defendant Abul Hasan & Sons Group did not answer the Complaint.

3. On October 13, 2010, Nourison and Horizon, Mr. Khan, and Mr. Alam signed a Settlement Agreement resolving the claims made in the Action.

4. On October 19, 2010, Nourison filed a Voluntary Dismissal Without Prejudice dismissing Abul Hasan & Sons Group without prejudice.

This matter having come before the Court on the stipulation of Plaintiff and Defendants Horizon, Mr. Khan, and Mr. Alam, NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

1. Nourison's Designs are valid, enforceable, and fully subsisting within the meaning of the Copyright Act, as amended, 17 U.S.C. § 100 *et seq.*, and infringed by Defendants Horizon, Mr. Khan, and Mr. Alam.

2. Nourison's NEW DIMENSION trademark is valid, enforceable, fully subsisting, inherently distinctive, strong, famous and has acquired secondary meaning in the marketplace within the meaning of the Lanham Act, as amended, 15 U.S.C. § 1051 *et seq.*, and infringed by Defendants Horizon, Mr. Khan, and Mr. Alam.

3. Horizon and its parents, subsidiaries, affiliates, officers, directors, members, officers, agents, servants, employees, attorneys, and shareholders thereof, and Mr. Khan and Mr. Alam, and those persons in active concert or participation with Horizon, Mr. Khan, and Mr. Alam are hereby permanently enjoined from selling, manufacturing, publishing, displaying, vending, distributing, promoting and/or advertising any copies of rugs or other products which infringe Plaintiff's copyrights, or causing and/or participating in such selling, manufacturing, publishing, displaying, vending, distributing, promoting and/or advertising of such rugs.

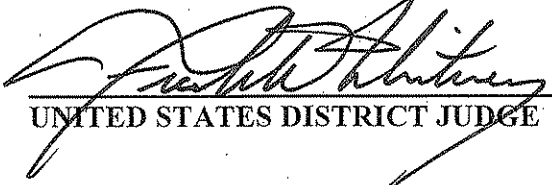
4. Horizon and its parents, subsidiaries, affiliates, officers, directors, members, officers, agents, servants, employees, attorneys, and shareholders thereof, and Mr. Khan and Mr. Alam, and those persons in active concert or participation with Horizon, Mr. Khan, and Mr. Alam are hereby permanently enjoined from engaging in, offering, or providing services or goods in connection with any mark that is identical to or confusingly similar with Plaintiff's name and mark NOURISON DIMENSIONS, including NEW DIMENSIONS.

3. All claims and counterclaims related to the Action are hereby dismissed.

4. The Court shall retain jurisdiction to enforce the terms of this Judgment.

IT IS SO ORDERED.


November 9, 2010
DATE


UNITED STATES DISTRICT JUDGE

**APPROVED AS TO STIPULATION AND
AS TO FORM OF CONSENT JUDGMENT**

For Plaintiff Nourison Industries Inc.,

WOMBLE, CARLYLE, SANDRIDGE & RICE,
PLLC



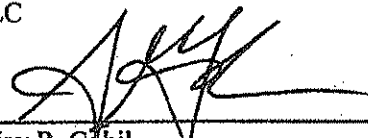
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For Defendants Horizon Home Imports,
Inc., d/b/b Horizon Rugs;
Shahe Alam Khan; and
Zaid Alam:

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